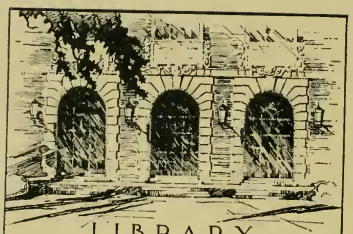

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MAY A MAN MARRY

HIS

DECEASED WIFE'S SISTER?

BY

MRS. COLIN MACKENZIE,

AUTHOR OF "SIX YEARS IN INDIA;"

&c., &c., &c.

WITH PREFACE BY

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MARRIAGE WITH A DECEASED WIFE'S SISTER.

The repeated attempts made in every session of Parliament to pass a Bill which shall enable a widower to marry the sister of his deceased wife, and the very considerable sympathy which exists in the public mind in favour of those who are working for a relaxation of the existing laws, make it very important to state clearly and briefly the grounds on which the prohibition ought still to be maintained. The sympathy of the public, as far as it exists, rests upon a very narrow basis. People imagine that the best guardian for a widower's children would be found in the sister of his deceased wife, and they think it hard that the widower may not marry her. They forget that the widower can have this aid and solace immediately under the protection of the existing law; and that if such marriages were lawful, a widower could no more have a sister-in-law to dwell with him and keep his house than he could any other woman of equal social position; and that in fact the possibility of such a marriage would probably render both the widower and the sister-in-law unwilling to enter upon relations, which, confessedly might terminate in the sister taking the deceased wife's place., A man would thus be debarred from having this most natural aid and solace, in the hour of his first distress, and when he saw his children in need of a mother's care, if he had no sister of his own, and wished for his wife's sister as guardian for them, he must face the disagreeable question whether he was prepared finally to marry her. But very frequently the wife's death is preceded by illness, during which, at present she looks to her sisters for relief in the cares of housekeeping and the management of her children. They come as being equally the husband's sisters, and the drooping wife is not distressed at the thought that one of them is to take her place in his affections, and be her

successor. Finally, the relaxation of the law would destroy those happy relations which now exist between families united by marriage, and which add so much to the purity and enjoyment of domestic life.

But, with many, these considerations would weigh but little against their own selfish interests, or against that indolent good nature of the public, which would let everybody do as they like. It is necessary therefore to shew that this prohibition rests upon higher authority, and those who might not care much for considerations respecting the general good and happiness would not willingly do anything contrary to Holy Scripture. They feel that they have in the Bible the only sufficient code of morals. Once depart from it, we know not whither our route may take us. Especially women feel truly that they owe to Christianity the equal position which they now hold towards men, and they would not wish the authority of the Bible tampered with. The object of this little pamphlet written by a woman, is to state the scriptural argument clearly and sufficiently, and there are, I am persuaded few, who when they have read it, will not feel that there are strong reasons for regarding the prohibition as resting upon the authority of the Bible. Most indubitably the Bible puts relationships by affinity upon the same footing as relationships by blood. It takes, no doubt, a high view of marriage, but are not such views the very palladium of the sanctity of the home, and the safeguard of all that is best in society! And all such as are unwilling to have marriage degraded to a mere matter of convenience, and would wish it still to hold the high position given to it in Holy Scripture will do well carefully to consider the arguments here stated, and weigh both them and the possible consequences that may follow from our setting aside any portion of the moral law, enacted for us, as all believers in the Inspiration of the Bible firmly hold, by God himself.

R. PAYNE SMITH.

Deanery, Canterbury.
March, 1880.

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MAY A MAN MARRY HIS DECEASED WIFE'S SISTER?

It is a question with some persons, whether it is lawful for a widower to marry the sister of his deceased wife. The Presbyterian Church has long ago given her judgment on this question, in her Confession of faith, which, at the time it was drawn up, was acknowledged as the standard of the united kingdoms of Great Britain and Ireland, and is still maintained by all English-speaking Presbyterian congregations and churches throughout the world; while in Scotland it is to this day, I am thankful to say, the law of the land as well as the law of the church. In the twenty-fourth chapter it declares, "Marriage ought not to be within the degrees of consanguinity or affinity forbidden in the word, nor can such incestuous marriages ever be made lawful by any law of man or consent of parties, so as those persons may live together as man and wife. *The man may not marry any of his wife's kindred nearer in blood than he may of his own; nor the woman of her husband's kindred nearer in blood than of her own.*"

That this simple intelligible principle is a Scriptural one, and therefore binding upon all Christians, is evident from the eighteenth chapter of Leviticus, 6th verse, where the reason given for prohibiting marriage with an uncle's wife is *because "she is thine aunt."* This proves that consanguinity and affinity, that is relationship by blood, and relationship by

marriage, are reckoned as the same in the sight of God. It is He who said "she is thine aunt." Now if your aunt-in-law be your aunt, your sister-in-law is your sister.

Again, marriage with a wife's daughter or granddaughter is forbidden because "they are" *thy* near kinswomen, verse 17. What makes them "thy near kinswomen"? They are no blood relations. It is the oneness of husband and wife. "They shall be *one flesh*" (Gen. ii. 24). These words are repeated emphatically by our Blessed Lord (Matt. xix. 2) who added "so then *they are no more twain but one flesh*" (Mark x. 8.) This absolute unity and identity of man and wife is used as the type of the perfect union between Christ and His Church. He is our Head (Eph. v. 23,) "and we are members of His body," and after His example "so ought men to love their wives as (being) their own bodies." He that loveth his wife *loveth himself*, for no man ever yet hated *his own flesh*, &c., see (1 Cor. xi. 2.)

Husband and wife being one, the wife's kindred are the husband's kindred, and stand in exactly the same relationship to him as to her. And that this is not merely a deduction of right reason, but a Scriptural principle, is proved by the Divine assertion that the wife of an uncle "is thine aunt" the daughter or granddaughter of a wife is* "thy near kinswoman," and the wife of a father or a brother is spoken of as identical with her husband.

This is sufficient to settle the whole question for those who take the word of God as the infallible Rule of Righteousness, but there are many other considerations which must lead to the same conclusion.

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* This is the translation of one of the best of modern versions, the French by Professor Segond. But if "her near kinswoman" is right, it follows that nearness of kin to the wife prevents marriage with the husband,

Certain connections are forbidden in the eighteenth and twentieth of Leviticus. Those which are expressly named are as follows:—

The Marriage of a Man with his

- Mother.
- Father's Wife, or Stepmother.
- Sister.
- Half-sister.
- Granddaughter, by either Son or Daughter.
- Aunt, by either Father or Mother.
- Uncle's Wife, or Aunt-in-law.
- Son's Wife, or Daughter-in-law.
- Brother's Wife, or Sister-in-law.
- Wife's Mother, or Mother-in-law.
- Wife's Daughter, or Daughter-in-law, Stepdaughter.
- Wife's Granddaughter, or Granddaughter-in-law.

Here there are just as many relationships by affinity as by blood—the most distant being the aunt. No sort of Mother (or grandmother), of aunt, of sister or of daughter is allowed.

Now it may be laid down as an acknowledged principle, that no part of the Law given to Moses either has passed, or ever shall pass away (Matt. v. 17-19). It either has been fulfilled, or, it is still binding. The whole of our Redeemer's Mission was a proof of the unchangeableness of the Law; which, being an expression of the will of its Divine Author, is as immutable as Himself. The Lord Jesus left the throne of His Glory to magnify the Law and to make it honourable by fulfilling every title of its demands; He suffered and died to atone for its violated majesty; and the new covenant in Christ Jesus is comprised in these two promises, that "sin should be forgiven and forgotten," and "that the Law should be written in our hearts and minds" (Heb. x. 16 18, viii. 10 12.)

Thus the moral law can never change. All the ceremonial

observances, all the rules relating to inheritances, (types and signs whereby a stupid and stiff-necked people were trained to look forward to eternal realities) and among these rules the injunction to the brother, or next kinsman of a childless husband, to marry his widow, and to heiresses to marry within their father's family, have fulfilled their purpose. The earthly Israel and their earthly inheritance have given way to spiritual and heavenly realities.

Some few things were *permitted* to the Jews, "because of the hardness of their hearts," which were expressly forbidden by our blessed Lord (Matt. v. 31-32, xix. 4; Mark x. 6), such as divorce, but no part of the moral law was ever relaxed, or made *less* stringent. Look at the manner in which our Lord opens out the requirements of that law as a sufficient proof that He established instead of overthrowing it, as a rule of life (see Matt. v). Now a prohibition of marriage is clearly a *moral*, and not a ceremonial prohibition, and as such it is equally binding on the Christian as on the Jew. *Therefore* these prohibitions *are* binding on Christians.

The manner in which these laws are introduced and the reasons given for them, show that the forbidden acts are gross sins, hateful in the sight of God.

Nothing can be more solemn than the preface, I am the Lord your God, after the doings of the land of Egypt . . . and after the doings of the land of Canaan . . . shall ye *not* do, neither shall ye walk in their ordinances. Ye shall do My Judgments and keep Mine ordinances. I am the Lord your God. Then follow these prohibitions—which conclude with the awful warning, "Defile not ye yourselves with *any* "of these things, for in *all* these the nations are defiled which I "cast out before you, and *the land is defiled, therefore* do I visit "the iniquity thereof upon it. Ye shall not commit any of

"these *abominations.*" "I am the Lord your God, ye shall be "holy for I the Lord your God am holy, (xix. 2, xx. 7.)"

It is by an error in the heading of the chapter that these prohibited connections are styled "unlawful marriages." They are not marriages at all. The expression in verse 6, "to uncover," &c., is shown by Gesenius never to be applied to marriage, but always to denote something abominable and vile. The Vulgate translates it *ut revelat turpitudinem ejus*, and Selden defines it: *id est incestus.* The laws themselves style these sins indiscriminately "wickedness,"—"defilement,"—"abomination." This alone is sufficient to make them hateful to all who fear God.

The reason given is nearness of kin. No one is to ally himself with *any that is near of kin to him*, verse 6, and then follow the degrees specified. The case of Abraham and that of Amram and Jochebed are probably the reason why so many kinds of sisters and aunts are named, but it is evident that *all* forbidden degrees are not expressly named in this list: a man is not expressly forbidden to marry his grandmother, his daughter, or his niece, therefore the omission of an express prohibition against marrying his wife's sister goes for nothing.

If these laws are *not* binding, there is no other Scriptural ground for prohibiting marriage with an aunt or daughter-in-law, step-daughter or granddaughter, or even the nearest relations; for a sense of propriety, or inward sense of right is no proof to another person who may choose to deny it.

We should thus be cast adrift without chart or compass on the "troubled sea" of human passion, with no law whatever to guide us on the most important point of domestic life, except the reference in Corinthians to the sin of taking a father's wife—a case of affinity—"no blood relationship"

yet so heinous a sin that it was "not so much as named among the Gentiles:" 1 Cor. v. 1.

It is incredible that the Church should be left wholly without guidance on such a subject, which she has been, unless the law in Leviticus is a law for all ages.

The Law is clearly stated. All unions are forbidden with those that are *near of kin* (Lev. xviii. 6), and the degrees subsequently specified seem intended to define what degrees are intended by this expression.

If these rules are binding, the converse of them is true, that is to say they are equally binding upon man and woman. Now the relationship between a man and his wife's sister is exactly the same as that between a woman and her husband's brother. If the prohibition of a man's marriage with his brother's wife does not equally forbid the marriage of a woman with her sister's husband, the two relationships being identical, then a woman may marry her grandson, or her uncle, or her aunt's husband, or her niece's husband, though a man may not marry his granddaughter, his aunt, or his uncle's wife.

Some objections remain to be noticed. Their fewness is of itself a strong argument in favour of the doctrine we maintain.

1. The verse, "Thou shalt not take a wife to her sister to vex her, beside the other, in her lifetime" (Lev. xxviii. 18.) is said to give a tacit permission to take a wife's sister after the death of the first wife: but it by no means follows that because an act is prohibited at one time it is therefore lawful at another. It is most illogical to say he may *not* do so during her lifetime *therefore* he may after her death. If the above is the true rendering of the verse, it would appear to be an allusion to Jacob having married two sisters, which

no man henceforward was to do. But as this kind of marriage is already forbidden by implication in the 16th verse, where the marriage of a woman with two brothers, and *therefore* that of a man with two sisters, is prohibited, the marginal reading, "Thou shalt not take one wife to another," appears preferable. At any rate, it prevents any doctrine being built on a verse of doubtful interpretation. But some reply, that had polygamy been forbidden in this verse, it would not have been so generally practised. But neither does this follow. David, Solomon, and their descendants knew perfectly well the command (Deut. xvii. 17), not to multiply wives to themselves, yet they openly disobeyed it.

2. Secondly, it is urged that the marriage of a woman with two brothers cannot be wrong, or it would not have been sanctioned in a particular case; and hence it is rather illogically argued that the marriage of a man with two sisters is lawful. Now as we see by the history of Judah's sons, marriage with the widow of a childless brother was a Hebrew custom before the law was given, but this no more sanctions it now, than divorce and polygamy are sanctioned by their having been permitted to the Jews. The express command of the law-giver makes any act lawful in that particular instance, just as the Israelites were justified in slaying the Canaanites. Cain and Abel married their sisters, Jacob his sister-in-law; Amram married Jochebed, his aunt; in this special instance, where a Jew was allowed to marry his sister-in-law, the exception proves the rule. In all but that one case, *of a Jew dying childless*, a specified case among a specified people, the prohibition was explicit. The marriage of a woman with two brothers was pronounced "an unclean thing," Lev. xx. 20, 21, and the curse of dying childless was denounced upon it. Some may require proof of the

fulfilment of the curse in these days, as a proof of the continuance of the law: but we are no longer under a system of visible earthly rewards and punishments, as the Jews were; yet blasphemy, adultery, and Sabbath-breaking, are not less sinful now, because the offenders are not punished with death. And it most probably means that they should be childless in the sense Jehoichin was—with no *heirs*, their children being illegitimate.

Again, the reason for this permission does not exist now, neither could it apply to marrying two sisters. It was permitted in order to prevent the fusion of too many inheritances into one, and to keep up the name of the deceased, an object inexpressibly dear to the heart of a Jew.

Moreover, those who take permission from this passage, should remember the conditions. It was only permitted to *the Jews*, and the deceased must have been childless. This wholly excludes the favourite argument, that a wife's sister is the most proper person to have charge of *her children* which in many cases might be urged with superior force in regard to her *Mother*. Such opinions of man's corrupt heart and reason prove nothing as to the *rightness* of any step; were they to be met on their own ground, it might easily be proved that the permission which would be a convenience in one case would carry disunion into a thousand families where no advantage could ever be derived from it, and instead of the perfectly brotherly and sisterly terms on which such relations (confident in the sanctity of the barrier between them), now live, the distant friendliness of comparative strangers must be substituted.

Surely no Christian could enter on a marriage, (a step in which he is so peculiarly bound to the greatest purity and holiness) against the lawfulness of which, even in the eyes of

its advocates, the presumptions are so strong, and the arguments in favour of which rest on *one* verse of doubtful interpretation, and one specific case, *which does not apply.* And I hardly think any Christian can examine the question *impartially* without coming to the conclusion that such a marriage is directly contrary to the revealed Law of God, and therefore no marriage at all. To sum up the question—

I.—*Man and wife are one.*

Gen. ii. 26; Matt. xix. 4; Mark x. 7; Eph. 1 Cor. xi. 3; Lev. xviii. 8, 14.

This identity is the reason assigned against marrying a father's, brother's, or uncle's wife.

II.—*The kindred of the one are therefore equally the kindred of the other.* Lev. xviii. 14.

A man is forbidden to marry his uncle's wife, "*for* she is thine aunt." This proves that relationship by blood and relationship by marriage are reckoned as the same by the Lord.

If your aunt-in-law is your aunt, your sister-in-law must be your *sister.*

No man may ally himself with any "that is *near of kin* to him."

A sister is a near kinswoman v. 12, 13.

Near kinswomen of the wife are expressly prohibited v. 17.

The reason against marrying a wife's daughter or granddaughter is, that they are her "near kinswomen." So is her sister. Marriage with a brother's wife or an uncle's wife is pronounced "an unclean thing."

How then can marriage with a sister's husband be clean? How can you prove any difference between the relationships?

Lastly; Remember that neither Church nor State are infallible guides in this matter. Take Scripture as your only rule. The case of the Corinthian Church should be remembered as a warning to us. The Apostle reproaches them with having permitted a connexion which was "not so much as *named* among the Gentiles,—that one should have his father's wife" (1 Cor. v. 1). This shows us that even a Christian Church may sanction gross sin, and should warn us not to think the approbation of *any* Community sufficient to make that excusable which the laws of God, natural or revealed, disallow.

It is remarkable that hardly any one advocates the marriage of a woman with two brothers. Why? Because men make the laws; and what man can endure the idea of his wife marrying his brother? The feeling is, however, equally strong in the other sex. What woman can endure the idea of her sister marrying her husband? And yet this is advocated, though no example of its being allowed can be brought forward from Scripture. These two facts show us that no body of men are secure from error in this or any other matter. It is not therefore superfluous, again to direct the reader's attention to the consequences of permitting marriage with two sisters.

The marriage of uncle and niece may be vindicated on precisely the same grounds as that of a brother and sister-in-law. It is *no where* expressly forbidden. Some, who boldly maintain that the Old Testament is not a rule for Christians in these matters, would throw open the door to the marriage of still closer connexions. Nowhere but in the Old Testament

is the marriage of a man with his wife's mother or daughter forbidden; or with his son's, uncle's, or brother's wife. Allow the marriage of a man with his wife's sister, and *you cannot* forbid his marriage with his niece. Deny the authority of the Old Testament, and Christians may marry those who stand in the nearest degrees of affinity, a father's wife being the only exception expressly made in the New Testament.

Deny that men and women stand on *precisely* the same ground, and a woman may marry her grandson or her uncle.

There is, however, no fear of such results among Christians, until the reasons against the lawfulness of such a connexion are fairly met and answered, which I venture to say they never can be.

POSTSCRIPT.

Lord Selbourne the present Lord Chancellor, in his speech opposing the Bill for Legalizing Marriage with a Deceased Wife's Sister uttered these weighty words.

"You must consider how far your principle ought to go, and I am "sure you can never stop short of the abolition of *all marriages of* "*affinity.*"

"If we are to prohibit only such marriages as are prohibited *by the* "*letter* of the Old Testament, we must repeal the prohibition in the case "of 13 degrees prohibited by our law and not prohibited by the letter "of Leviticus; if on the other hand you endeavour to arrive at the "principle contained in that chapter in Leviticus and to lay down a "marriage law within the range and limit of the degrees which are pro- "hibited there, you will arrive at our present marriage law."

Lord O'Hagan the Lord Chancellor of Ireland on the same occasion truly stated that the Bill was opposed

"To the harmonious teaching of the Christian Church and the un- "broken tradition of the Christian people since Christianity first rose "into existence. The vital principle of Christian marriage is 'that husband

"and wife are one flesh,' and from this has always been deduced the in-
"ference that the kinship of the wife should be held to be the kinship
"of the husband."

This became the law of the empire when the empire became Christian. The Theodosian code declared marriage with a deceased wife's sister unlawful. An Address from the Presbyterian Ministers of Scotland to the Non-Conformist Ministers of England in 1871, published by HAMILTON AND ADAMS, after an able summary of Scripture doctrine shows that it was universally received by the Christian Church of the East and West from the time of Basil the Great in the middle of the 4th century, was first infringed by a dispensation of Pope Alexander VI. (the infamous Borgia) in 1550, and unanimously upheld by the Reformers, who rejected the authority of the Canon Law.

Dr. CUNNINGHAME says "There was never any doubt among interpreters
"untill early in the last century, when some Jews in Holland desired
"to form such connections and the three Universities of Holland
"unanimously affirmed that no Christian Government should tolerate
"such among their subjects. There was no difference of opinion among
"the Reformers, they believed the prohibition to be part of the universal
"law of God for men," and there was no difference of opinion in the Church on this subject till the 17th century, when some petty German princes wished to marry their wives' sisters and asked some professors to undertake the defence of these connections.

CAUTION!

Compare LEVITICUS XVIII. 14, *with* MATTHEW V. 17, 18, 19.

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